COUNTY DEPARTMENT AGENDA REQUEST

Department:	Parks and Recreation	Presenter(s):	Anita Godbee, C.P.R.P.
Meeting Date:	Wednesday, March 2, 2011	Type of Request:	New Business

Wording for the Agenda:

Report from Parks and Recreation Director Anita Godbee on progress of efforts to form a Kenwood Park and Recreation Association.

Background/History/Details:

In the summer of 2010, a group of citizens began discussions with the Recreation Commission regarding the possibility of forming a Kenwood Park and Recreation Association (KPRA). A steering committee was formed and met several times to begin the process of forming the Association. The purpose of the KPRA is to assist and coordinate efforts regarding Kenwood Park with the Parks and Recreation Department. The KPRA will promote community use of Kenwood Park and raise awareness of the benefits of the park through their volunteer efforts and public relations programs. The KPRA will raise and disburse funds for improvements and maintenance of the park, facilitate use of the park for special events, offer membership to all interested patrons, and make meaningful contributions to benefit the park. The KPRA will follow all guidelines of the Parks and Recreation Department's Policy and Procedures Manual just as the current Youth Sport Associations do.

At the February 2011 Recreation Commission meeting, the KPRA steering committee presented the Recreation Commission a finalized copy of the KPRA Bylaws. The Recreation Commission reviewed the bylaws and agreed the bylaws are in compliance. The KPRA and the Recreation Commission would like to advise the Board of Commissioners that the Kenwood Park and Recreation Association is now ready to move forward in obtaining it's non profit status. After the KPRA obtains this status, the Association would like to move forward in it's efforts to becoming an official association under the governing body of the Fayette County Parks and Recreation Department.

What action are you seeking from the Board of Commissioners?

No action is required. This is intended for informational purposes only.

If this item requires funding, please describe:

Not applicable.

Has this issue come before the Commissioners in the past?	No	If so, when?	
Do you need audio-visual for the presentation?	No	Back-up Material Submitted?	Yes

STAFF USE ONLY

Approved by Finance	Not Applicable	Reviewed by Legal	
Approved by Purchasing	Not Applicable	Approved by County Clerk	Yes
Administrator's Approval	Yes		

Staff Notes:

Here is the January 23, 2011, draft following our January 18, 2011, meeting of the Steering Committee for the Kenwood Park and Recreation Association (KPRA).
Please direct discussion to:
David L. Brill, 770-461-5488, brill@mindspring.com

Kenwood Park and Recreation Association (KPRA)

CONSTITUTION

Constitution, Article One
Name
The name of this organization shall be the "Kenwood Park and Recreation Association." It may also be referred to as the "KPRA" and the "Association."

Constitution Article Two
Purposes
- Assist to administer the operation of Kenwood Park, under the guidance of the Fayette County Parks & Recreation Department.
- Routinely communicate and coordinate efforts regarding Kenwood Park with the Department Head of the Fayette County Parks & Recreation Department.
- Promote community use of Kenwood Park and awareness of the benefits of the park through volunteerism and public relations programs.
- Raise and disburse funds for improvements and maintenance of Kenwood Park.
- Facilitate use of Kenwood Park for special events involving Association members and the general public.
- Expand membership to all interested patrons, in Fayette and surrounding counties.
- To make opportunities for residents and non-residents of Fayette County, to make meaningful contributions to benefit the park.

Constitution Article Three
The Board: Offices, Broad Duties, and Election Procedures

A. There will be a Board of Directors consisting of the following Officers: one President, three Vice Presidents, one Treasurer, and one Secretary. The Board of Directors may also be referred to as "the Board." All Board Members shall be legal residents of Fayette County.

B. The Board will direct, manage, lead, coordinate and supervise the operations, activities, resources, and administration of the Association to accomplish its purposes and objectives. The Board will be alert for, prevent as much as possible, and institute prompt corrective action for fraud, waste, abuse, and any other condition or action that is contrary to the Association's purposes and objectives.

C. All Board officers will be elected by a simple majority of secret ballot, by Active Members who are either personally present, or represented by absentee ballots. When there are more than two candidates for office, and no candidate receives a majority, there will be a run off election between the two candidates with the most votes. The winner of a run off election will be the candidate who receives the most votes in that run off election. In the event of only one candidate for office, the requirement for a secret ballot vote may be waived by unanimous consent of the attending Active Members.

D. A Board Member, who for any reason, is unable to complete his term of office, will be replaced by a special election if he leaves office before the mid-point of his term. If a special election is required, it shall conform to the standard election process. If he leaves after the mid-point of his term, his replacement will be named by the Board.

E. Any Board member may be removed from office for cause. Substantiation of any of the following actions requires immediate removal from office: embezzlement, fiduciary irresponsibility, misuse of Association funds, any felony criminal misconduct, moral turpitude, or misuse of office for personal gain of profit. Failure to appear for three or more regularly scheduled Association meetings, within a 12 month period, without written approval of the Board, will be automatic removal from the Board of Directors. Any member of the Board may be removed from office for failure to adequately perform his duties. The removal requires Active Members to cast secret ballots, at a regularly scheduled business meeting, which shall require a minimum of 15% of the Active Members to be present, or represented by absentee ballots, and at least a two-thirds majority of these votes, to carry the vote.

F. Board actions will be accomplished with collective decisions by a majority vote of Board Members, except where individual authority is granted to Board members by the Constitution, the By-laws, or other specific authority. It is the intent that the Board reflects the true desires of the voting members in all issues requiring a vote of the Board. All decisions of the Board, or a Board Member, may be rescinded or altered, but the change requires a minimum of one-third of the Active Members to be personally present to cast secret ballots at a regularly scheduled business meeting, and at least a two-thirds majority of these votes, to carry the vote; no absentee ballots will be permitted.

G. A quorum of the Board will consist of a minimum of 50% of the total Board membership.

H. The Board will be responsible for providing a proper method for the casting of all ballots. The Board will also be responsible for overseeing the casting of absentee ballots in matters of personnel, the amendment of By-laws, and any other considerations deemed by the Board to justify

absentee balloting. The Board shall make ballots available to its Active Members no less than 15 days prior to the election.

I. Officers will be elected to two-year terms.

J. A single exception to the process of nominations, as detailed in the By-laws, and the two-year terms specified above, will be the first election of the first slate of officers. Nominations will be accepted during a meeting, called by the Steering Committee, for all persons interested in forming the KPRA. A simple majority election will follow each nominee's acceptance for a specific Board position. The terms below are approximate in time, depending on when the organization will be formed. The intent is to achieve enduring staggered two year terms, the first election will fill the following positions:

1. One year terms for: two Vice Presidents, one Secretary.
2. Two year terms for: one President, one Vice President, one Treasurer.

Constitution Article Four

The Method Of Amending The Constitution

Amendments to this Constitution or By-laws, shall be voted upon for passage, only at the regularly scheduled annual business meeting, but require at least two scheduled business meetings, previous to the annual business meeting, to complete the process for passage. The second meeting may be a special called meeting, but can not be held with less than five business days preceding the annual business meeting. The proposed amendment(s) must be presented in writing, read into the minutes, and discussed at the first meeting. The proposed amendment and an explanation of its purpose and intention, must be posted to all Active Members by broadcast E-mail, and to the website (when practical), at least 48 hours before the next regularly scheduled business meeting, or specially called meeting. At the second business meeting, the proposed amendment must be read, discussed, and if altered in any way from its original language, it must retain its original purpose and intent to remain qualified for a vote at the annual business meeting. Passage requires Active Members to cast secret ballots, at this third scheduled business meeting, which is the annual business meeting, which shall require a minimum of one-third of the Active Members to be present, or represented by absentee ballots, and at least a two-thirds majority of those votes, to carry the vote.

Constitution Article Five

Membership Qualifications

The Board may establish specific requirements to implement conditions and categories of membership, define qualifications and set dues for each membership category.

BY-LAWS

By-laws, Article One
Membership: Classifications, Termination, Participation, Voting

Section One - Membership Classifications
A. Membership categories will include:
- Fayette County Individual
- Fayette County Family
- Non-Fayette County Individual
- Non-Fayette County Family
- Honorary

Perspective members will be permitted to join, based on their current county of residence.

Honorary Membership:
Any person who has provided exemplary aid, can be considered for Honorary Membership. A candidate for Honorary Membership can be elected by a simple majority of the Board, or by a two-thirds majority of the Active Members present at one of the regularly scheduled business meetings. Honorary Members are not permitted to vote.

B. Active Members must meet the following qualifications:
- age of 18 years or older.
- be current in having paid their membership dues.

C. All changes in membership must be presented in written form. An individual member may request a change in membership type or termination of his own membership. A member of the Board or a committee chairperson may recommend to the Board that an individual's membership be changed or terminated. Changes require a simple majority vote of the Board. Regarding a termination of membership, if in dispute: the individual member concerned, will be provided an opportunity to present written documentation to the Board prior to the Board's decision. Termination of a membership will require a two-thirds majority vote of the Board. Changes of membership status or termination of membership will not require a refund of dues.

Section Two - Membership Participation
A. Members have rights, obligations and opportunities to support the KPRA. All members have the right to attend regular or special business meetings, Board meetings, social functions, and all KPRA activities organized for the public. All members are encouraged to participate in membership meetings, work details, committees, and fund raising activities.

B. Each of the following member categories will be allowed to cast a single vote, per election, when Active Members are welcome to vote, if the qualifications for the Active Member are met:
- Fayette County Individual (one vote)
- Fayette County Family (one vote)
- Non-Fayette County Individual (one vote)
- Non-Fayette County Family (one vote)

By-laws, Article Two
Duties Of The Board Of Directors

A. The Board will coordinate interaction of Kenwood Park and Recreation Association (KPRA) with the Fayette County Parks & Recreation Department and the Fayette County Parks & Recreation Commission. The Board will recommend and enforce KPRA policies and procedures, solicit and supervise membership, and oversee its own financial and logistical management.

B. The President will be responsible to: conduct business meetings, be a primary link in communications with the Fayette County Parks & Recreation Department's Department Head, and the Fayette County Parks & Recreation Commission, on all matters pertaining to the KPRA; supervise the functions and duties of the other Board members; recommend new applicants to the Board; be responsible for the overall management of the KPRA; and appoint, direct and discharge all committees as appropriate. The President shall appoint a balanced election committee of no fewer than two members to tally secret ballots. The President is a voting member of the Board.

C. The Vice Presidents (VP) will be responsible to: oversee all committees; report directly to the President; assume the duties of the President as delegated by the President, or in the absence of the President, interview and recommend new applicants to the Board; and perform other duties as requested by the President. The three Vice Presidential positions shall be filled as a First VP, a Second VP, and a Third VP. In descending order, they shall assume the duties of the President if the President is incapacitated or absent for any reason. The First VP will arrange for a meeting place for the regular monthly business meetings, and any special meetings. The Vice Presidents are voting members of the Board.

D. The Treasurer will be responsible to: maintain records of the source and disbursements of all funds as directed by the Board; report on all individual expenditures and overall receipts at each KPRA monthly business meeting; post a quarterly report by the last day of January, April, July and October, of all funds acquired and distributed by the KPRA; post a financial report with all appropriate entries to satisfy the county's requirements for the fiscal year which ends each June 30. The Treasurer will maintain receipts for all disbursements with proper approvals noted; collect all received monies promptly, and care for such funds as directed by the Board; oversee the general financial well-being of the KPRA,

including advance planning for all known future expenditures; prepare an annual budget for the next calendar year, which after approval by the Board, is to be presented at the March annual meeting; and cooperate with the audit committee to provide an accounting of all records when requested by the President. The record keeping shall follow generally accepted accounting principles. The Treasurer is a voting member of the Board.

E. The Secretary will be responsible to: do correspondence of the KPRA; take minutes of all regular monthly, special business, and Board meetings; attend these meetings or obtain a replacement to perform the Secretarial duties while assuring that the alternate completes such duties; post approved minutes of all business meetings prior to the next regularly scheduled business meeting; and post notice of all called special meetings to an official KPRA web page, when it is up and running; maintain a record of attendance for all meetings. At each regularly scheduled business meeting, the Secretary will present an annual calendar for review and amendment. Regarding special meetings of the general membership, the Secretary will notify the membership at least 48 hours prior, via: broadcast E-mail, and if practical, website, or other future means. Upon recommendation of the Secretary, the Board may appoint an Assistant Secretary. The Assistant Secretary will not be a voting member of the Board. The Secretary is a voting member of the Board.

By-laws, Article Three

Provision For Standing Committees

The following standing committees will assist the Board in the administration of the KPRA, and coordinate major projects:

- Facilities
- Finance and Fundraising
- Membership
- Organization & Special Events
- Public Information, Publicity, and Web Page

Each committee shall have a chairperson, a co-chairperson and members, as required to fulfill its responsibilities. A member of the Board may serve on a committee as a chair, co-chair or committee member. Annually, under the supervision and guidance of a Vice President, each committee shall prepare and submit for Board approval, a statement of duties, responsibilities, and key projects or initiatives. Each committee shall meet on a regular basis and shall provide to the Vice President, a list of proposed agenda items at least 48 hours prior to the regular monthly business meeting. The Board may appoint other committees as needed to do the business of the Association.

By-laws, Article Four

The Dates Of Regular Meetings

Dates for the remainder of the year's regularly scheduled business meetings will be set at the March business meeting. Business meetings will be open to all members. A regularly scheduled Board meeting can be held in conjunction with a business meeting.

By-laws, Article Five
Annual Business Meeting
The annual business meeting, which will include election of officers, will be held on the first Tuesday of March.

By-laws, Article Six
Provisions For Notification Of Special Meetings, and Changes To Regular Meetings

A. A change in time, date, or location of regular monthly business meetings will be directed by the President or the appropriate Vice President. The Secretary will notify the membership at least 48 hours prior, via: broadcast E-mail, and if practical, website, or other future means.

B. Special meetings may be called or cancelled as necessary by the President or the appropriate Vice President. The Secretary will notify the membership at least 48 hours prior, via: broadcast E-mail, and if practical, website, or other future means.

By-laws, Article Seven
Election Provisions, Methods Of Nomination, And Installations

A. At the September business meeting, the President, with cooperation of the full Board, will appoint a Nominating Committee, consisting of three Active Members and two Board members. At the October business meeting, after soliciting acceptance from each proposed nominee, the Nominating Committee will present nominations for each office. At the November business meeting, additional nominations from the floor will be accepted, and if offered or required, again in February. Thereafter, no other floor nominations will be accepted.

B. Election of officers, by simple majority of Active Members, will be completed at the scheduled annual business meeting held on the first Tuesday in March.

C. All officers will assume their duties on April 1st.

D. If a special election is required to replace a Board member mid-term, the Secretary will notify the membership as soon as possible, but at least two weeks prior, via: broadcast E-mail, and if practical, website, or

other future means. The balloting procedure is defined for "All Board officers . . . ," Constitution Article Three, C.

By-laws, Article Eight
Designation Of Fiscal Year
The fiscal year begins on July 1 and ends on June 30 to correlate with the Fayette County fiscal year.

By-laws, Article Nine
Routine Operating Expenses
Persons expending funds to be reimbursed will ensure that proper records and receipts are maintained and submitted to the Treasurer for these expenditures, in a timely manner. All disbursements by check shall require the signature of two Board members. The Treasurer will provide a statement of expenditures to the membership at each regular business meeting for the routine operating expenses of the previous month.

By-laws, Article Ten
Parliamentary Procedure
Meetings of the membership and Board will follow, as closely as is practical, Robert's Rules of Order.

By-laws, Article Eleven
Provisions For Dissolution And Federal Tax Exemption

A. No part of the net earnings of the KPRA shall inure to the benefit of, or be distributed to its members, Board of Directors or other private persons, except that the KPRA shall be authorized to, and empowered to, pay reasonable compensation for services rendered, and to make payments and distributions in furtherance of Section 501 (c) (3), of the Internal Revenue Federal Tax Code. No substantial part of the activities of the KPRA shall promote propaganda, or otherwise attempt to influence legislation. The KPRA shall not participate in, or intervene in (including the publication or distribution of statements), any political campaign, on behalf of, or in opposition to, any candidate for public office.

B. On dissolution of the KPRA, assets shall be distributed for one or more exempt purposes within the meaning of Section 501 (c) (3) of the Internal Revenue Federal Tax Code. Acceptable distribution would be to organizations: charitable; educational; religious; scientific; government, whether Federal, state or local as long as it is for a public purpose; in a corresponding section of any future federal tax code.

C. However if the named recipient is not then in existence or is no longer a qualified distributee, or unwilling or unable to accept the distribution, then the assets of the KPRA shall be distributed to a fund, foundation or corporation organized and operated exclusively for the purposes specified in Section 501 (c) (3) of the Internal Revenue Federal Tax Code (or corresponding section of any future Federal tax code).

D. Not withstanding any other provisions of these articles, the KPRA shall not carry on any other activities not permitted to be carried on by an organization exempt from Federal income tax under Section 501 (c) (3) of the Internal Revenue Federal Tax Code (or corresponding future tax code) or by an organization, contributions to which are deductible under Section 170 (c) (2) of the Internal Revenue Federal Tax Code or a corresponding section of any future Federal tax code).

_____ President _____ Date

_____ Chair, Organization Subcommittee _____ Date